

# Public Notice of Application for Permit

Regulatory Branch (1145) CEPOA-CO-R Post Office Box 6898 Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE:

January 19, 2007

EXPIRATION DATE:

February 19, 2007

REFERENCE NUMBER:

POA-2006-1368-4

WATERWAY:

HARRIS RIVER

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

<u>APPLICANT</u>: State of Alaska, Department of Natural Resources, Division of Mining Land and Water, Realty Services, 550 W. 7<sup>th</sup> Avenue, Suite 1050, Anchorage, Alaska 99501; Contact: Mr. Eric Simons, P.L.S., (907) 269-8524.

<u>LOCATION</u>: The proposed project is located within Sections 11-14, T. 74 S., R. 83 E., Copper River Meridian; Latitude 55.4625° N., Longitude 132.7472° W.; Harris River West Subdivision, near Hollis, Alaska.

<u>PURPOSE</u>: To construct and improve Harris River Road to provide access to subdivision lots.

 $\overline{\text{WORK}}$ : The applicant proposes to construct a 31.5-foot wide (toe-to-toe) by 2 700-foot long access road. Construction of the road would involve the placement of 1,288 cubic yards of shot rock and gravel into 0.42-acre of wetlands, and the installation of seven 24-inch culverts to maintain natural drainage patterns at the site.

ADDITIONAL INFORMATION: The road will provide access to 29 undeveloped lots in the Harris River West Subdivision. Each individual lot owner will be required to apply and obtain any necessary authorizations for their lot from the Corps of Engineers (Corps). However, since the Corps is required to review the cumulative impacts of the proposal as a whole; we have required the applicant to provide the proposed typical development and impacts that would occur on each lot. Our evaluation will assess the impacts of the entire subdivision; however, any authorization issued would be only for the access road and drainage culverts proposed above.

MITIGATION: The applicant has avoided and minimized impacts to wetlands on the project site by designing the subdivision for development of the lots with little, if any, additional impacts to wetlands.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

<u>PUBLIC HEARING</u>: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS), and have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. If further information is desired concerning this public notice, please contact Ms. Nicole Hayes at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at <a href="mailto:nicole.m.hayes@poa02.usace.army.mil">nicole.m.hayes@poa02.usace.army.mil</a>.

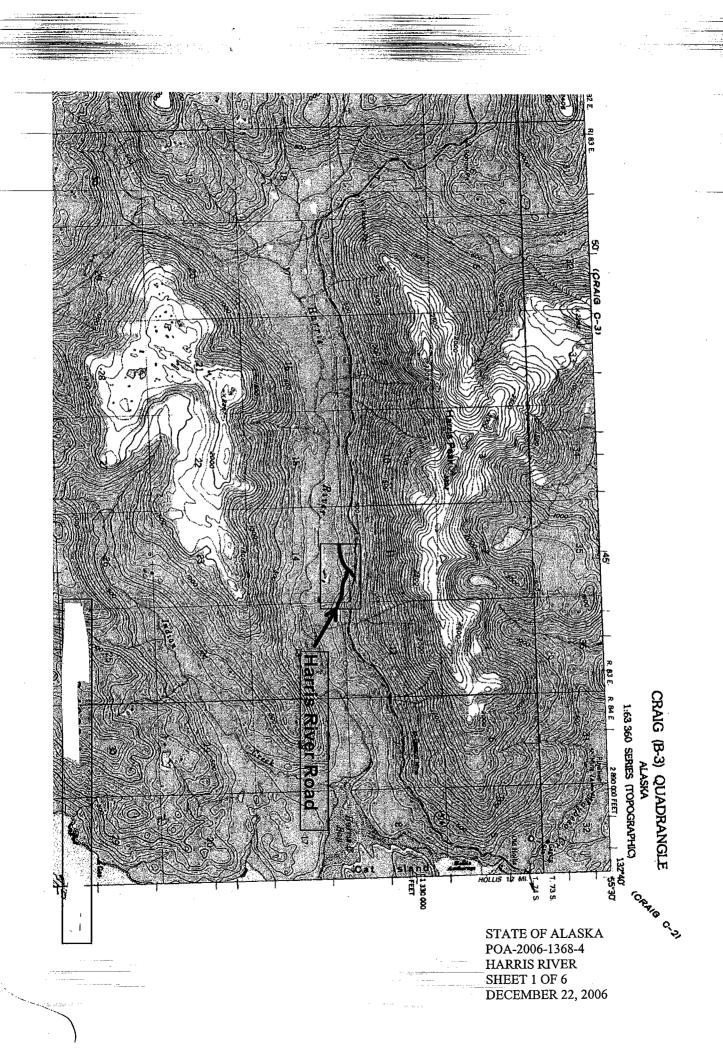
AUTHORITY: This permit will be issued or denied under the following authorities:

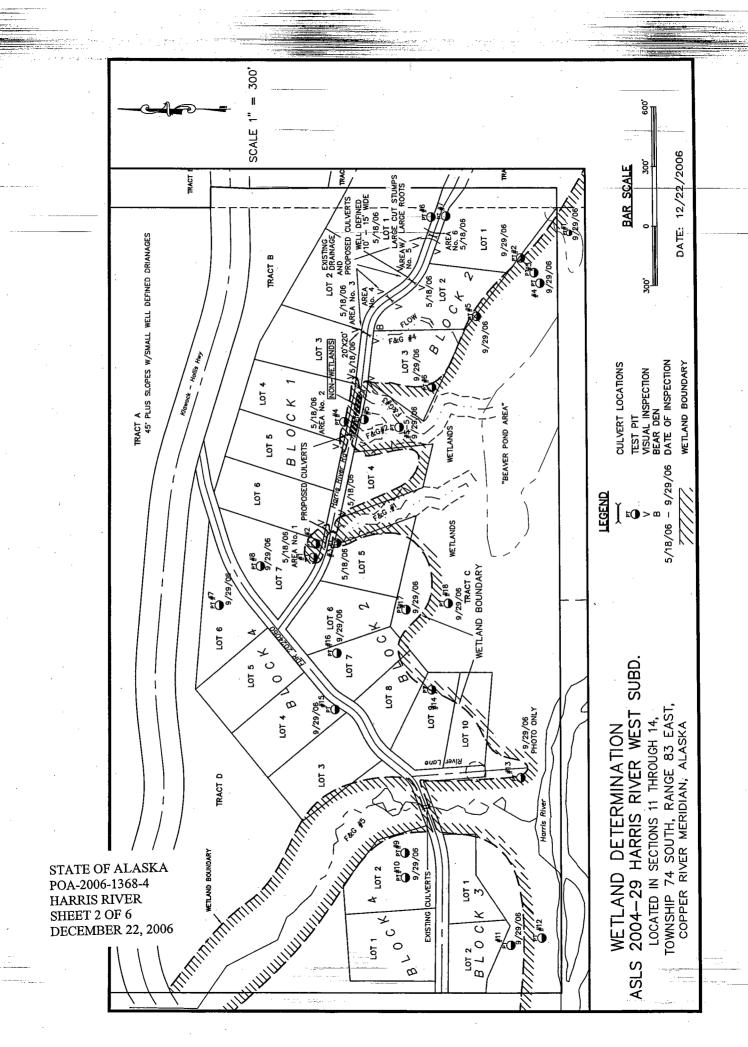
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

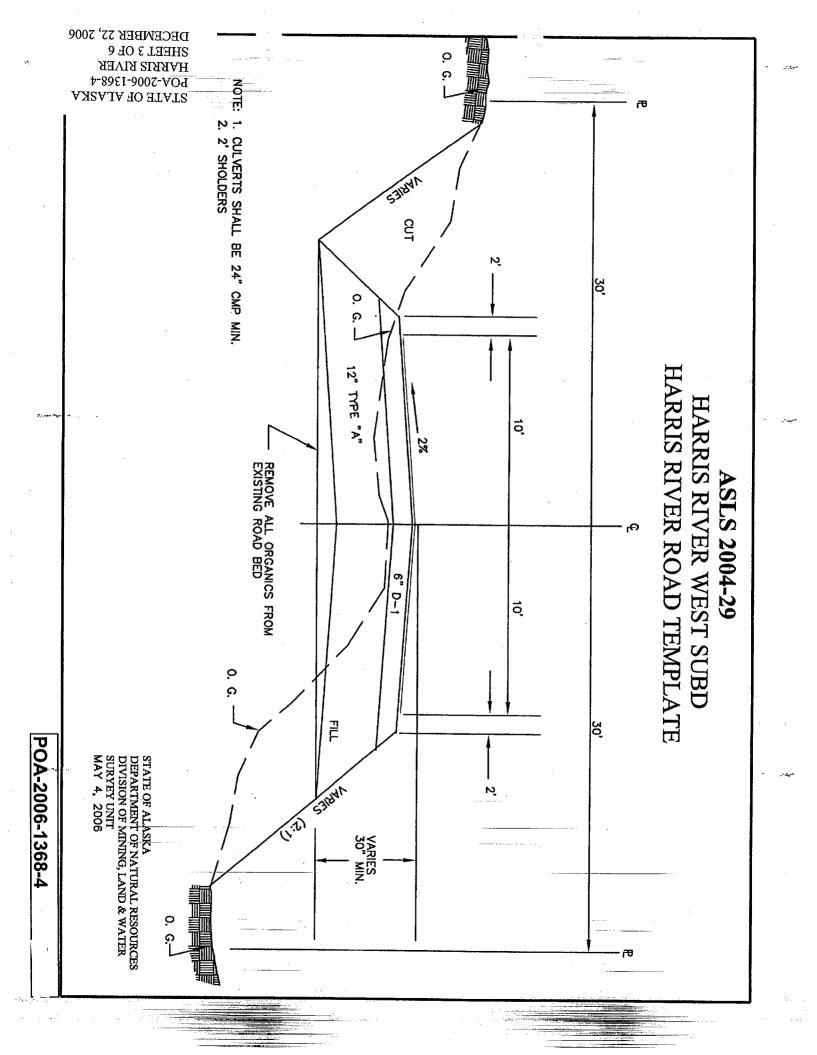
A plan, and Notice of Application for Certification of Consistency with the Alaska Coastal Management Program are attached to this Public Notice.

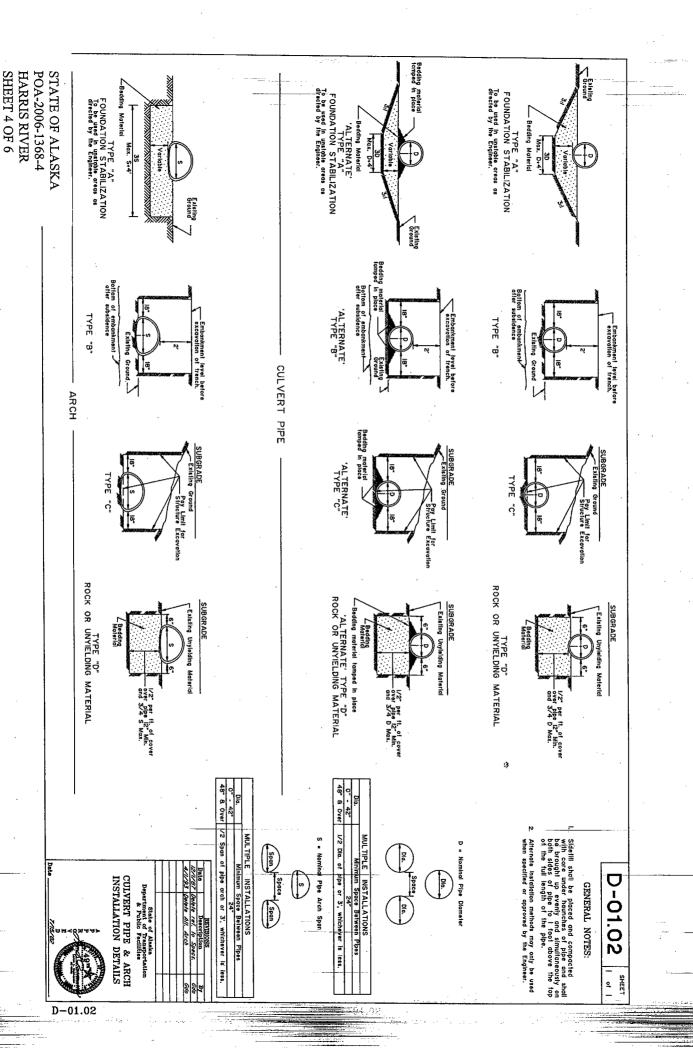
District Engineer U.S. Army, Corps of Engineers

Attachments







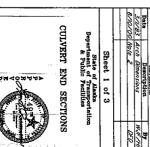


**DECEMBER 22, 2006** 

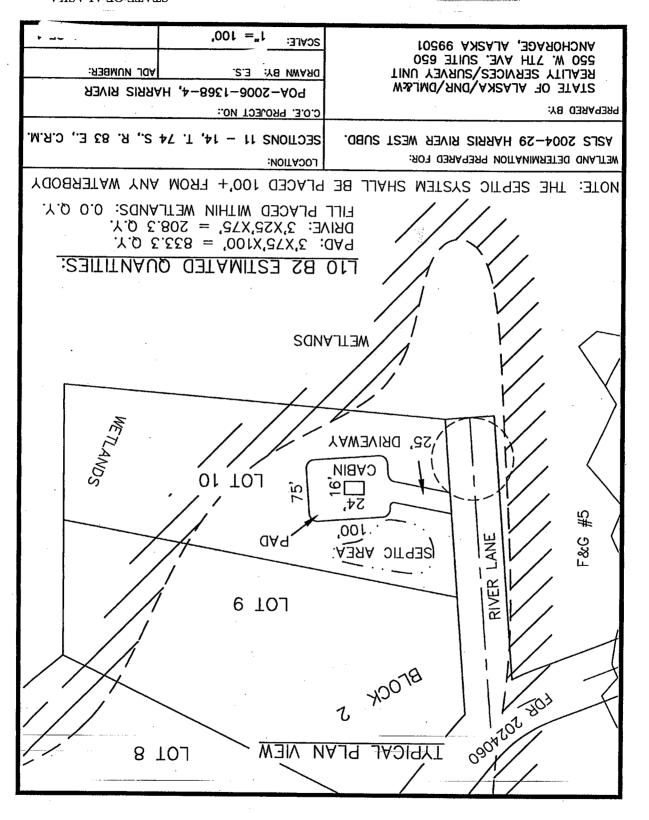
STATE OF ALASKA SHEET 5 OF 6 HARRIS RIVER **DECEMBER 22, 2006** POA-2006-1368-4 Galvanized Metal or Aluminum Alloy Skirt Galvanized Metal or Aluminum Allow Toe Piate Extension-When Required Holes 12" Centers-Max ROUND AND PIPE ARCH Holes 12" Centers-Max. ELEVATION A
PIPE ARCH 2 ROUND PIPE ELEVATION Diameter or Span PLAN Reinforced Edge Reinforced Edge Construct Concrete cutoff wall Threaded Rod -For 12" thru 24" Round Pipe with Annular Corrugations PRECAST CONCRETE END SECTION SECTION A-A End connection to fit pipe used. SECTION B-B Rod Holds Less than 30" Dlam. Over 30" Dlam. For 30' & 36" Round Pipe and 18"xil" thru 58"x36" Pipe Arch with Annular Corrugations. Pipe DESIGN A METAL END SECTION CONNECTED
TO WOOD STAVE PIPE Threaded Rod DESIGN B Pivot Bolt Section I" wide, 109" thick band
with standard 6"XI/2" band
bot and nut may be used in
lieu of threaded rad on
pipes 24" or smaller. Minimum Lap After Expansion For 42" thru 84" Round Pipe and 65"x40" thru 85"x54" Pipe Arch with Annuar Corrugations and All Helically Corrugated Pipe and Pipe Arch. 0 Toe plate extensions will be required only when provided for on the plans. When required, the toe plate extensions shall be punched with holes to march those in lip of skirt and fastened with 3/8 linch or larger galvanized nuts and bolts and shall be the same gage as the end section. All 3 piece bodies shall have IZ gage sides and IO gage center panels. Multiple panel bodies shall have lap seams which are to be lightly loined by 3/6" galvanized rivets or botts. Galvanized Metal or Aluminum Alloy End Sections may be used on Wood Stave and Plastic Pipe GENERAL NOTES: Tol. Mox. 1" Tol. | 1/2" Tol. PIPE-ARCH Dimension Inches

## D-06.10

Skirt Skir Approx



#### VIII) Appendix C (Typical Lot Development Plan View)



#### STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMNT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING POST OFFICE BOX 111030, MS 1030 JUNEAU, ALASKA 99801-1030 PHONE: (907) 465-3562/FAX: (907) 465-3075

### NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.: **POA-2006-1368-4, Harris River**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at http://www.gov.state.ak.us/gdc/Projects/projects.html.